ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	CC Docket No. 98-170
Truth-in-Billing and	)	
Billing Format	)	

AT&T Comments

Pursuant to the Commission's Public Notice, AT&T Corp. ("AT&T") submits the following comments on the petitions for reconsideration and clarification filed by the United States Telephone Association ("USTA"), SBC Communications, Inc., MCI WorldCom, Inc. ("MCI-W"), National Telephone Cooperative Association ("NTCA") and U S WEST Communications, Inc.

These petitions point out yet again the basic infirmities in the Commission's new Truth-in-Billing ("TIB") rules. No commenter or petitioner has opposed the basic premises underlying the Commission's new rules or the general guidelines set forth in the TIB Order.[1] However, it is clear that some of the specific rules adopted in the Order, particularly those in Sections 64.2001(a)(2) and (c), were adopted without a full appreciation of their impact upon carriers' existing billing systems. Moreover,

[1] See, e.g., NTCA, p. 5.

some of the new requirements in the TIB Order raise important legal issues regarding the limits of the Commission's authority in this area.

The simple fact is that carriers' existing billing systems cannot even approach compliance with the "new service provider" and "deniability/non-deniability" rules without major effort, and in some cases it will be almost impossible to comply at all without further clarification. These matters were generally discussed in AT&T's September 3, 1999 comments and its own prior Petition for Waiver and Petition for Reconsideration, and they will not be repeated at length here.[2] However, it is obvious from the Petitions that modification of the definition of "new service provider" is necessary to accommodate the realities of the way in which carriers' billing processes work.

As USTA (p. 4) correctly states, some carriers who have a continuing relationship with customers do not bill those customers monthly. Moreover, as AT&T's September 3 Comments (pp. 4-5) explained, IXCs that submit billing

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[2] Thus, for example, AT&T does not address here Part II of SBC's Petition, which was fully covered by AT&T's September 3 Comments (at pp. 3-4). In addition, to the extent they may be necessary after the Commission rules on the instant Petitions, AT&T also generally supports Petitioners' requests for additional time to implement the TIB rules.

records to LECs for billing cannot know when those charges will be billed. Further, LECs' billing systems do not have the "stare and compare" capability that would enable them to know if they are billing for a provider that did not appear on the previous month's bill.[3] Thus, AT&T supports USTA's proposal (pp. 6-7) to modify the definition of "new service provider" so that it only covers providers that have not submitted charges to be billed to the customer in the last six months.[4]

MCI-W requests two reasonable clarifications that carriers are not bound to slavish adherence to the TIB rules. First, MCI-W (pp. 8-9) properly seeks clarification that carriers will not be liable for deviating from the TIB rules when customers have specifically requested or agreed to billing formats and labels that are different from those in the TIB Order. Indeed, enforcement of the rules in such cases would be counterproductive, since the entire purpose of the rules is to assist customers' ability to get the information they may want or need. Similarly, AT&T agrees

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[3] U S WEST, p. 5 (noting that the Commission was informed in the summer of 1998, during the Commission-sponsored forum, that this capability did not exist).

[4] See AT&T September 3 Comments, pp. 4-5. AT&T agrees with MCI-W (p. 11) however, that it is exclusively the

(footnote continued on next page)

with MCI-W (p. 12) that carriers should be permitted, by agreement with the customer, to establish other no-cost means of addressing customer service concerns, such as the use of e-mail. Clearly, it is not the intent of the TIB rules to limit carriers' and customers' ability to communicate in new and different ways.[5]

AT&T takes no position on requests from small and medium-sized LECs for additional relief from the TIB rules,[6] provided that IXCs who rely upon such carriers to bill their customers are also covered by the same relief. IXCs that rely upon those carriers to provide their billing typically have little or no economically viable choice in their selection of billers for such customers. Thus, IXCs who rely on small and mid-sized LECs are constrained by the limitations of those carriers' billing systems, and must be

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LECs' responsibility to inform customers timely about changes in their presubscribed carriers.

[5] AT&T believes there is no basis for MCI-W's concern (p. 12) that the TIB rules require carriers to create toll-free numbers to deal solely with line item-related inquiries. Nothing in the Commission's rules or the TIB Order can be read to impose such a requirement.

[6] NTCA, pp. 6-11; USTA, pp. 7-14.

covered by the terms of any waiver or forbearance granted to them.[7]

The remaining issues in the Petitions address the limits of the Commission's authority in this area. U S WEST (pp. 16-18), for example, raises the same First Amendment issues as are found in AT&T's Petition for Reconsideration (pp. 1-3).[8] In light of these concerns, as well as the important policy issues raised by AT&T, the Commission should seriously reconsider its decision to mandate the use of specific bill phrases to identify charges related to federal government activity.

The other issue the Commission must address is the limit of its authority to require carriers to provide billing information on "non-deniable" intrastate services. As several petitioners point out, neither Section 201(b) nor Section 258 give the Commission authority to impose

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[7] AT&T September 3 Comments, n.6; see also MCI-W, pp. 7. MCI-W (p. 8) also properly notes that LECs should be forbidden to require IXCs to modify bill information that is otherwise lawful, as long as such information can be accommodated in the LEC's billing system.

[8] See also AT&T's Comments on the Further Notice of Proposed Rulemaking, filed July 4, 1999, pp. 2-5; AT&T's Reply on the Further Notice of Proposed Rulemaking, dated July 16, 1999, pp. 1-4; USTA, p. 3.

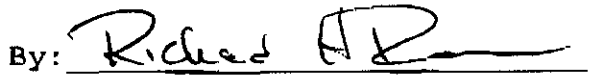
rules in this regard.[9] Section 201(b) relates only to interstate services and there is simply no relationship between the anti-slamming provisions of Section 258 and the identification of "non-deniable" services as required by Section 64.2001(c). Thus, the Commission's rule must be modified to reflect these circumstances.

Conclusion

The Commission should grant the Petitions consistent with AT&T's comments above.

Respectfully submitted,

AT&T CORP.

By: 

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September 14, 1999

[9] E.g., MCI-W, pp. 4-6; U S WEST, pp. 9-16 (citing both legal and policy reasons for modifying the rule).